

### **III. REMARKS**

Claims 1-22 are pending in this application. By this amendment, claims 1, 8, 14 and 19 have been amended. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1, 8, 14 and 19 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Claim 19 is rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Claims 1-22 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Spiegel (U.S. Patent No. 6,466,918), hereafter “Spiegel.”

#### **A. REJECTION OF CLAIMS 1, 8, 14 AND 19 UNDER 35 U.S.C. §112**

The Office has asserted that claims 1, 8, 14 and 19 are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 1, 8, 14 and 19 to recite “...wherein each of the items is located...by dynamically generating a page based on the result of the query.” Applicant asserts that these amendments further clarify the invention. Accordingly, Applicant requests that the rejection be withdrawn.

## **B. REJECTION OF CLAIM 19 UNDER 35 U.S.C. §101**

The Office has rejected claim 19 for allegedly being directed to non-statutory subject matter. Applicants have amended claim 19 to recite “[a] computer program product stored on a computer readable medium.” Applicants assert that this amendment further directs the invention to statutory subject matter. Accordingly, Applicants request that the rejection be withdrawn.

## **C. REJECTION OF CLAIMS 1-22 UNDER 35 U.S.C. §102(b)**

With regard to the 35 U.S.C. §102(b) rejection over Spiegel, Applicant asserts that Spiegel does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 8, 14 and 19, Applicant continues to submit that Spiegel fails to teach that each of the items in the hierarchical structure is located using a database search query for each level of the hierarchical structure by dynamically generating a page based on the result of the query. The passage of Spiegel cited by the Office teaches browse trees for locating items that may require the user to navigate downward through multiple levels of the tree to find a desired category. Col. 1, lines 25-59. However, nowhere in the cited passage or elsewhere does Spiegel indicate that queries that dynamically generate a page based on the result of the query are used to navigate the browse tree. In fact, Spiegel does not reference the word “query” or indicate dynamic generation of a page anywhere in the specification. Rather, in Spiegel “[t]he featured books and categories are displayed as respective hyperlinks that provide *a direct path* to the corresponding books and categories.” Col. 7, lines 17-19, emphasis added. To this extent, the featured books and categories of Spiegel are not located using a database search query for each

level, but rather by hyperlinks that provide a direct path to a previously prepared location.

Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With further respect to independent claims 1, 8, 14 and 19, Applicant respectfully submits that Spiegel also fails to teach automatically *generating* the query for each level of the hierarchical structure. Even assuming, *arguendo*, that the hyperlinks of Spiegel do contain queries, an instruction that a specific hyperlink refers to is not necessarily automatically *generated* upon activation of the hyperlink and Spiegel does not teach such automatic generation upon hyperlink activation. In fact, Spiegel does not teach automatically generating anything upon selection of a hyperlink, but rather that its hyperlink provides a direct link. To this extent, even if Spiegel does use queries as asserted by the Office, they are not dynamically generated.

In support of this position, Applicant respectfully submits that the portions of Spiegel cited by the Office teach only that the identifying of the most “popular” nodes is done automatically and that these automatically identified nodes are called to the attention of users during navigation of the browse structure by elevating the nodes in the browse structure. Col. 1, line 60 through col. 2, line 4; col. 2, lines 26-36; col. 6, lines 5-20. To this extent, it is the identification of nodes that is automatic, and not the generation of queries for traversing the hierarchy. Accordingly, nowhere in the portions cited by the Office or elsewhere does Spiegel teach automatically generating queries.

The claimed invention, in contrast, includes “...automatically generating the query for each level of the hierarchical structure.” Claim 1. As such, unlike in Spiegel, in the claimed invention a query is automatically generated for each level of the hierarchical structure. This is

in contrast to the static link-based structure of Spiegel. Accordingly, Applicant requests that the rejection be withdrawn.

With respect to dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all defendant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

#### **IV. CONCLUSION**

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



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Hunter E. Webb  
Hunter E. Webb  
Reg. No.: 54,593

Hoffman, Warnick & D'Alessandro LLC  
75 State Street, 14<sup>th</sup> Floor  
Albany, New York 12207  
(518) 449-0044  
(518) 449-0047 (fax)

RAD/hew